REMARKS

The following comments are responsive to the Final Office Action of September 26, 2008 ("Action"). Reconsideration and allowance are respectfully requested based on the below remarks.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 6-8, 18, 25, 36-37, 44, 48-49, and 51 stand rejected under 35 U.S.C. § 102(b) over Bramhill et al (WO 98/44402).

Claims 41-43, 45-57, 50, and 52 stand rejected under 35 U.S.C. § 103(a) over Bramhill et al in view of Levy (US 2002/0052885).

Applicants respectfully traverse for at least the following reasons.

In section 4 on page 3, the Action cites page 9, lines 15-24 and page 13, lines 1-4 of Bramhill et al and asserts that these citations meet the claim elements of a user interface being operable to identify indicia associated with content where a permitted set of operations are determined therefrom. Applicants respectfully disagree.

Bramhill et al does not teach, disclose, or suggest that a user interface is configured to control individual user selectable operations for data content according to a level of protection indicated by indicia. The Action interpolates the content of the cited portions beyond the teaching of Bramhill et al based on knowledge of Applicants' specification to find that Bramhill is anticipatory. Bramhill et al purports to teach content provided through browser by using program objects like Java applet, Active X or OLE (*see* Bramhill at page 3, lines 7-12; page 6, lines 16-25). In page 6 lines 19-23, Bramhill et al states that:

> More particularly, as known in the art, when the HTML document includes a so-called Java applet tag, the server downloads a corresponding applet, consisting of Java bytecodes, which are interpreted and run by the browser. Typically, the downloaded Java applet allows interactivity between the user of the computer 3 and the displayed image.

Bramhill et al emphasizes using a browser to control content protection throughout and states, in page 10, lines 37-38, that "the term BTC refers to a file of copyright protected data, for display at the browser." Emphasis added.

The use of a browser in Bramhill et al is different than the claimed user interface. Bramhill et al, for example, does not teach or suggest how the browser would control content protection once the content is saved on a device hard disc. In page 7, line 32 to page 8, line 2, Bramhill et al clearly states that once a copy of the digital data is made, the data can then be forwarded in unrestricted manner and/or can be replicated many times, thus indicating that no control is exerted once data has been saved in the receiving device. The claimed user interface, in contrast, enforces content protection. Further, page 9, lines 1-6 of Applicant's specification discloses that one of the protection options includes an option to forward content to another terminal that has been grayed out, leaving the options of playing or saving the content locally available to the user. This example illustrates a form of control even after the content is saved locally in the terminal. Thus, the use of a browser in Bramhill et al is different than the claimed user interface.

In page 4, lines 1-3, the Action concludes that, prior to additional payment, the content could be saved in a protected format, which meets the claim elements of content being associated with at least three levels of content control. Applicants respectfully disagree. This conclusion is a mere interpolation of Bramhill et al beyond its disclosure. Bramhill et al states in page 15, lines 8-10 that "if the downloaded BTC file is cached in the browser, it will be cached in its cryptographically protected form so that making copies of the cached file does not permit access to the downloaded data in the BTC file," thus saving content in protected form and is not another level of content control but rather is the same control level of no access at al. Therefore, Bramhill et al only teaches one control level with no access to content and another level described in page 7, line 31 to page 8, line 2 illustrating the option allowing the user to save, print, copy and forward the content. As such, Bramhill et al does not teach or suggest content being associated with at least three levels of content control. For at least these reasons, the new claims define over the cited

references and are in condition for allowance. Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a).

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance. The Examiner is invited to contact the undersigned at the number set forth below with any questions or comments regarding the instant application. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD

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